

REMARKS

The Examiner in paragraph 3 rejected claims 1-4, 8, and 9 under 35 USC § 102(e), as being anticipated by Shiota et al. (US 6,324,521) for the reasons set forth therein. With respect to Shiota et al., this reference merely teaches an Internet fulfillment system where images are scanned and the customer places an order whereby products are then delivered to the customer.

The present invention is directed to a method of organizing a plurality of images wherein the images are stored on a memory storage device. The present invention includes the steps of providing a database for storing of digital images; providing at least one image to said database and automatically providing a product with respect to said at least one image after reaching a predetermined criteria established prior to receipt of the necessary material (i.e. images) required so that the appropriate order can be fulfilled. This is in contrast to the Shiota et al. reference which discloses a system whereby the orders are filled at a time when all necessary information is in hand with regard to the placement of the order. This is quite apart and distinct from the present invention when the order is provided for a product only when a predetermined criteria is met and which when the order is placed, the material required for fulfillment of the order is not present. In the present invention it is the predetermined criteria that initiates a fulfillment of the order in contrast to that of the Shiota et al. reference which merely requires the placement of the order. There is no predetermined criteria as taught and claimed by applicant. The predetermined criteria can be a predetermined time period or a predetermined number of images as set forth in dependent claims 2 and 3 which are independent of the placement of the order. There is no teaching or suggestion in Shiota et al. that orders can be made based on a predetermined criteria prior to receipt of the appropriate images required for fulfillment of the order. Clearly, the Shiota et al. reference could not anticipate the claims as set forth in dependent claims 2 and 3. Further, as previously discussed, the orders in Shiota et al. are based on having all the material available, thus, it could not provide the predetermined criteria as taught and claimed by applicant, nor is there any suggestion that it could be.

The Examiner has equated "order information" or "placement of the order" as being synonymous with predetermined criteria. As previously noted,

and as claim 1 as amended clearly sets forth, predetermined criteria is provided at a point in time prior to being able to produce the product. This is not taught or suggested by Shiota et al..

The Examiner has rejected claims 5-7, 10-60, and 62-76 under 35 USC § 103(a) as being unpatentable over Shiota et al. in view of London Drug article, and further in view of Komiya et al. (US Patent 6,155,025). Claims 5-7 depend upon independent claim 1 and therefore are patentably distinct for the reasons previously discussed. Independent claim 10 is directed to a system for organizing a plurality of images obtained from at least one image retaining device each having a unique ID. The system includes a computer having a database for storing digital images and a management section for managing customer orders. Claim 10 further includes that the stored digital images and the image management section manages customer orders in the stored digital images and is capable of receiving and storing the unique ID and registering at least one image obtaining device to a particular customer, and the computer associating a particular goods and/or services obtained from the at least one retaining device is prior to actually receipt of the images required for the producing of the goods and/or services. Claim 10 is believed to be patentably distinct for the same reasons discussed with respect to independent claim 1.

The remaining references cited by the Examiner do not teach anything which would render claim 10 unpatentable as the prior art fails to teach or suggest the providing of the ID at a time prior to receipt of the particular image for producing of the goods and/or services. The London article is directed to a unique business concept where people who order Internet services at a café. There is nothing that teaches or suggests providing the invention as taught and claimed by independent claim 10.

Applicants have noticed that the Examiner states that the Shiota et al. and the Komiya et al. references disclose a system and method of the "Fuji Film Company". In this regard, the Examiner has cited two Patent references that are owned by the Fuji Film Company. If the Examiner is referring to a particular system that is being run by the Fuji Photo Film Company, applicants respectfully requests that the Examiner cite the document where this system is described so applicants can carefully review the system for its entire teaching. Otherwise,

applicants must assume that these statements are made with respect to the cited issued patents and not on any particular system being operated by the Fuji Photo Film Company. Accordingly, if applicants are incorrect and the Examiner is referring to a particular system, applicants respectfully request that such a system be clearly identified.

The Examiner on page 10 of the Official Action Komiya et al. however fails to disclose transmitting Fuji Photo Film's roll and package ID information to its networked photographic services. The Examiner goes on to further states:

"This Examiner takes the position that the manufacturing arm of Fuji Photo Film derives benefit from a quality improvement and product recall tracking perspective to share the ID information with the Fuji Photo Film networked photographic service. Any problems with film quality detected at the print processing end would automatically be correlated with the roll ID information. There is also the potential for marketing campaigns to emphasize the added quality benefits of the networked photographic system and the use of Fuji film. Furthermore, once the networked photographic service has the ID information it can associate packaged roles to one another just as the sister organization does for internal tracking purposes. Therefore, it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Shiota et al., London Drug, and Komiya et al. to share roll and package ID information in order to create a closed-loop quality system beneficial to improving customer satisfaction, convenience, and further positive marketing perceptions of Fuji Photo's film quality and quality initiatives."

Applicants respectfully submits that the Examiner has used hindsight in an attempt to combine references that fail to teach or suggest the invention as taught and claimed by applicant. The assumptions the Examiner makes as to why one would modify the references are based on mere conjecture as to how and why they would be modified. There is no teaching, suggestion, or motivation in any of the references cited that teach or suggest the combination as

suggested by the Examiner. The statement that it would have been obvious to one of ordinary skill in the art to make the combination is not based on any teaching or suggestion but mere conjecture by the Examiner.

Furthermore, even if the references were to be combined, they still fails to teach or suggest the invention as taught and claimed by applicants as none of the references teach the registering the ID of these image retaining devices at a time prior to receipt and associating those with a particular goods and/or services as taught and claimed by applicants.

In view of the forgoing, applicants respectfully submits that these claims are not taught or suggested by the Examiner. In this regard, applicants have amended independent claims 7, 20, 34, 44, 53, 59, 62 and 71 in a similar type manner whereby the ID or goods and/or services are provided in time well prior to receipt of the actual image and/or image retaining devices prior to a time whereby such goods and/or services may be provided by the provider.

Applicants would also like to point out that the Examiner has not addressed many of the limitations as set forth in the dependent claims which are not taught or suggested by the cited references. However, it is believed that all of the dependent claims are patentably distinct as all of the independent claims upon which the dependent claims depend are patentably distinct over the cited references.

Claim 61 has been rejected by the Examiner for the reasons set forth in paragraph 5 of the Official Action. Claim 61 is dependent upon independent claim 59 and is patentably distinct for the reasons previously discussed.

In view of the foregoing applicant respectfully submits that the application is in condition for allowance and such action is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is captioned **"Version with Markings to Show Changes Made"**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank Pincelli', is written over a horizontal line.

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Version With Markings to Show Changes Made

In the Specification:

The paragraph beginning on page 1, line 3 has been amended as set forth below:

U. S. Serial No. 09/470,938, filed, December 22, 1999,
entitled "A KIT FOR ORGANIZING A PLURALITY OF IMAGES"; ~~Docket No.~~
~~80369/F-P.~~

The paragraph beginning on page 3, line 18 has been amended as set forth below:

automatically providing a product with respect to the at least one image after reaching a predetermined criteria established prior to receipt of the images required to provide a product.

The paragraph beginning on page 3, line 23 has been amended as set forth below:

a computer having database for storing digital images and a management section for managing customer orders and the stored digital images, the management section capable of receiving and storing the unique ID and registering the at least one image retaining device to a customer, the computer associating a particular goods and/or services to images obtained from the at least one image retaining device, prior to the receipt of the images required to provide the particular goods and/or services.

The paragraph beginning on page 4, line 8 has been amended as set forth below:

forwarding the ID for each of the image retaining devices in the group to database of a network photoservice provider for storage prior to the network photoservice provider receiving the image retaining devices.

The paragraph beginning on page 4, line 14 has been amended as set forth below:

a computer having database for storing digital images and a management section for managing customer orders and the stored digital images, the management section capable of receiving and storing the unique ID of the group of the plurality of image retaining devices and registering the group to a customer, the computer associating a particular goods and/or services to images obtained from the group of plurality of image retaining devices prior to receipt of the group of plurality of discreet image retaining devices required for fulfillment of the particular goods and/or services.

The paragraph beginning on page 4, line 28 has been amended as set forth below:

allowing access to the database to a customer so as to allow registration of the plurality of image retaining devices to the customer prior to receipt of the plurality of image retaining devices by the photoservice provider.

The paragraph beginning on page 5, line 9 has been amended as set forth below:

the customer associating the providing of a goods or service to images obtained from the at least one image retaining device prior to receipt of the at least one image retaining device required for the providing of the goods and/or services.

The paragraph beginning on page 5, line 21 has been amended as set forth below:

allowing access to the database to a customer so as to allow registration of the package ID so that the plurality of image retaining devices are

automatically registered to the customer prior to receipt of the discreet image retaining devices by the network photoservice provider.

The paragraph beginning on page 6, line 4 has been amended as set forth below:

allowing access to the database to a customer so as to allow registration of the package ID so that the plurality of strips of photographic film are automatically registered to the customer prior to receipt of the plurality of strips of photographic film by the network photoservice provider.

The paragraph beginning on page 6, line 12 has been amended as set forth below:

a computer having database for storing digital images and a management section for managing customer orders and the stored digital images, the management section capable of receiving and storing the unique ID of the group of the plurality strips of photographic film and registering the plurality strips of photographic film to a customer using the unique ID prior to receipt of said plurality of strips of photographic film required for fulfilling of the customer orders.

The paragraph beginning on page 6, line 23 has been amended as set forth below:

forwarding the ID for the at least one image retaining to a network photoservice provider for storage prior to receipt of the at least one image retaining device.

In the Claims:

Claims 1, 10, 17, 20, 34, 44, 53, 59, 62, and 71 have been amended as set forth below:

1.(Once Amended) A method for organizing a plurality of images obtained from a defined source, comprising the steps of:
providing a database for storing digital images;
providing at least one image to said database; and
automatically providing a product with respect to said at least one image after reaching a predetermined criteria established prior to receipt of the images required to provide said product.

10.(Once Amended) A system for organizing a plurality of images obtained from at least one image retaining device each having a unique ID, comprising:
a computer having a database for storing digital images and a management section for managing customer orders and said stored digital images, said management section capable of receiving and storing said unique ID and registering said at least one image retaining device to a customer, said computer associating a particular goods and/or services to images obtained from said at least one image retaining device prior to the receipt of the images required to provide said particular goods and/or services.

17.(Once Amended) A method for organizing images obtained from a plurality of discrete image retaining devices, comprising the steps of:
providing a plurality of discrete image retaining devices, each having a unique ID;
obtaining the ID from each of said image retaining devices;
providing a first group of said image retaining devices;
forwarding the ID for each of said image retaining devices in said group to database of a network photoservice provider for storage prior to said network photoservice provider receiving said image retaining devices.

20.(Once Amended) A system for organizing images obtained from a group of a plurality of discrete image retaining devices, each image retaining device having a unique ID, comprising:

a computer having database for storing digital images and a management section for managing customer orders and said stored digital images, said management section capable of receiving and storing said unique ID of said group of said plurality of image retaining devices and registering said group to a customer, said computer associating a particular goods and/or services to images obtained from said group of plurality of image retaining devices prior to receipt of said group of plurality of discrete image retaining devices required for fulfillment of said particular goods and/or services.

34.(Once Amended) A method for organizing a plurality of images obtained from an image source, comprising the steps of:

providing a database for storing of digital images;

providing a plurality of discrete image retaining devices in a package, each image retaining device having a unique ID;

forwarding said unique ID of said plurality of image retaining devices to a database at a network photoservice provider for storage;

allowing access to said database to a customer so as to allow registration of said plurality of image retaining devices to said customer prior to receipt of said plurality of image retaining devices by said photoservice provider.

44.(Once Amended) A method for organizing images obtained from a plurality of discrete image retaining devices, each image retaining device have an unique ID, comprising the steps of:

obtaining the ID of a plurality of said image retaining devices and forwarding said ID to a database at network photoservice provider;

accessing said database by a customer and registering at least one of said image retaining devices to said customer, and

said customer associating the providing of a goods or service to images obtained from said at least one image retaining device prior to receipt of

said at least one image retaining device required for the providing of said goods and/or services.

53.(Once Amended) A method for organizing a plurality of images obtained from an image source, comprising the steps of:

- providing a database for storing of digital images;
- providing a plurality of discrete image retaining devices in a package, each image retaining device having an unique ID, said package having a unique package ID;
- forwarding said unique ID of said plurality of image retaining devices and said package ID to a database at a network photoservice provider for storage;
- allowing access to said database to a customer so as to allow registration of said package ID so that said plurality of image retaining devices are automatically registered to said customer prior to receipt of said discreet image retaining devices by said network photoservice provider.

59.(Once Amended) A method for organizing a plurality of images obtained from a plurality strips of photographic film, each of said plurality of strips of film being provided in a discrete film cartridge, each of said plurality of strips photographic film having an unique ID recorded thereon, comprising the steps of:

- providing a plurality of said film cartridges in a single package, said package having an unique package ID;
- forwarding said unique ID for said plurality of strips of photographic film and package ID to a database at network photoservice provider for storage; and
- allowing access to said database to a customer so as to allow registration of said package ID so that said plurality of strips of photographic film are automatically registered to said customer prior to receipt of said plurality of strips of photographic film by said network photoservice provider.

62.(Once Amended) A system for organizing a plurality of images obtained from a plurality strips of photographic film, each of said plurality of strips of film being provided in a discrete film cartridge, each of said plurality of strips photographic film having an unique ID recorded thereon, comprising:

a computer having database for storing digital images and a management section for managing customer orders and said stored digital images, said management section capable of receiving and storing said unique ID of said group of said plurality strips of photographic film and registering said plurality strips of photographic film to a customer using said unique ID prior to receipt of said plurality of strips of photographic film required for fulfilling of said customer orders.

71.(Once Amended) A method for organizing images obtained from at least one image retaining devices, comprising the steps of:

providing at least one image retaining devices having a unique ID;
obtaining the ID from each of said at least one image retaining device; and

forwarding the ID for said at least one image retaining device to a network photoservice provider for storage prior to receipt of said at least one image retaining device.

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